

|  |                                 |  |                        |                   |
|--|---------------------------------|--|------------------------|-------------------|
| TRANSMITTAL LETTER   |                                 |  |                        | Case No. 9793/116 |
| Serial No.<br>08/776,190   | Filing Date<br>January 24, 1997 | Examiner<br>Maurie Garcia Baker, Ph.D. | Group Art Unit<br>1639 |                   |
| Inventor(s)<br>Hans-Peter Josel et al.   |                                 |  |                        |                   |
| Title of Invention<br>Oligomeric Carrier Molecules With Defined Incorporated Marker Groups And Haptens |                                 |  |                        |                   |

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate), Copy of Notice to Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, Amendment And Response To Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures, Statement According To 37 C.F.R. § 1.821(f), Petition And Fee For Two (2) Month Extension Of Time (in duplicate), Substitute Paper Copy of Sequence Listing (4 pages), Diskette Containing Substitute Computer Readable Form of Sequence Listing, Check for \$410, and Return Postcard.

- Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- Applicant claims small entity status. See 37 CFR 1.27.
- Petition for a 2 month extension of time.
- No additional fee is required.
- The fee has been calculated as shown below:

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Other Than  
Small Entity

|   | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra |
|---|----------------------------------|-------|---------------------------------|---------------|
| Total                                     |                                  | Minus |                                 |               |
| Indep.                                    |                                  | Minus |                                 |               |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               |

| Small Entity    |           |
|-----------------|-----------|
| Rate            | Add'l Fee |
| x \$9 =         |           |
| x 42 =          |           |
| + \$140 =       |           |
| Total add'l fee | \$        |

| Other Than Small Entity |           |
|-------------------------|-----------|
| Rate                    | Add'l Fee |
| x \$18 =                |           |
| x \$84 =                |           |
| + \$280 =               |           |
| Total add'l fee         | \$        |

- Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$410 to cover the extension fee is enclosed.
- The Commissioner is hereby authorized to charge payment of any additional filing fees required under 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that the application is filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



00757

PATENT TRADEMARK OFFICE

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

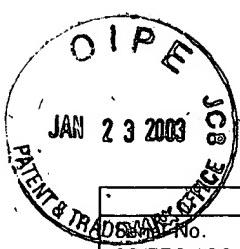
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on January 16, 2003.

Date: January 16, 2003 Signature: Gregory Zajic

Gregory Zajic, Ph.D.  
Registration No. 48,059

Agent for Applicants

DISK PORTFOLIO  
DATE: January 16, 2003  
JC8 33  
PATENT



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|  |                                 |  |                        |
|--|---------------------------------|--|------------------------|
| TRANSMITTAL LETTER   |                                 |  | Case No. 9793/118      |
| Serial No.<br>08/776,190   | Filing Date<br>January 24, 1997 | Examiner<br>Maurie Garcia Baker, Ph.D. | Group Art Unit<br>1639 |
| Inventor(s)<br>Hans-Peter Josel et al.   |                                 |  |                        |
| Title of Invention<br>Oligomeric Carrier Molecules With Defined Incorporated Marker Groups And Haptens |                                 |  |                        |

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|   | Claims Remaining After Amendment |       | Highest No. Previously Paid For | Present Extra |
|---|----------------------------------|-------|---------------------------------|---------------|
| Total                                     |                                  | Minus |                                 |               |
| Indep.                                    |                                  | Minus |                                 |               |
| First Presentation of Multiple Dep. Claim |                                  |       |                                 |               |

| Small Entity |                 | or | Other Than Small Entity |                 |    |
|--------------|-----------------|----|-------------------------|-----------------|----|
| Rate         | Add'l Fee       |    | Rate                    | Add'l Fee       |    |
| x \$9 =      |                 |    | x \$18 =                |                 |    |
| x 42 =       |                 |    | x \$84 =                |                 |    |
| + \$140 =    |                 |    | + \$280 =               |                 |    |
|              | Total add'l fee | \$ |                         | Total add'l fee | \$ |

- Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.
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- I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Gregory J. Zajic, Ph.D.  
Registration No. 48,059  
Agent for Applicants



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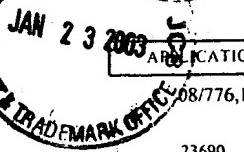
BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202, on January 16, 2003.

Date: January 16, 2003 Signature: Gregory Zajic

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)



| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 08/776,190      | 01/24/1997  | HANS-PETER JOSEL     | P564-7002           | 1643             |

23690 7590 10/17/2002

Roche Diagnostics Corporation  
9115 Hague Road  
PO Box 50457  
Indianapolis, IN 46250-0457

|          |
|----------|
| EXAMINER |
|----------|

BAKER, MAURIE GARCIA

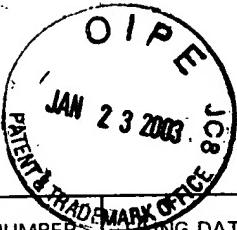
|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1639

DATE MAILED: 10/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE  
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COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

|               |             |                       |                     |
|---------------|-------------|-----------------------|---------------------|
| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
| 08/776,190    | 01/24/97    | JOSEL                 | 9793/116            |
|               |             |                       |                     |

JAN 24 2003

|                            |              |
|----------------------------|--------------|
| EXAMINER                   |              |
| Maurie Garcia Baker, Ph.D. |              |
| ART UNIT                   | PAPER NUMBER |
| 1639                       | 34           |
| DATE MAILED:               |              |

TECH CENTER 1600/2900

### Notice to Comply

Please find below a communication from the EXAMINER in charge of this application

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Any inquiry concerning this communication should be directed to Examiner Maurie Garcia Baker, Ph. D., Art Unit 1639, whose telephone number is (703) 308-0065.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

APPLICANT IS GIVEN A ONE MONTH EXTENDABLE PERIOD WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 CFR 1.821 - 1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Applicant is requested to return a copy of the attached Notice to Comply with the response.

  
MAURIE GARCIA BAKER, Ph.D.  
PATENT EXAMINER

O P E  
JAN 23 2003

Application No.: 08/776,190

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING  
NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: Please see attachment.

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216  
For CRF Submission Help, call (703) 308-4212  
PatentIn Software Program Support (SIRA)

Technical Assistance.....703-287-0200  
To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE**

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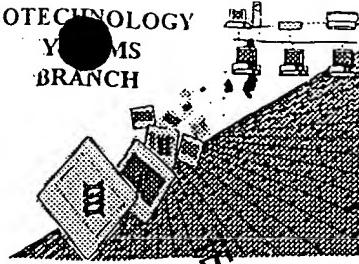
*Attachment*

**Please note:** The number of Art Unit 1627 has been changed to 1639. Please direct all correspondence for this case to **Art Unit 1639**.

As stated in the attached Notice to Comply:

The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).. Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable includes not new matter, as required by 37 C.F.R. 1.821(e), 1.821(f), 1.821(g), 1.825(b), 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the Patent and Trademark office, such request in accordance with 37 C.F.R. 1.821(e) may be submitted in lieu of a new CRF.

Also, sequences appearing in the specification and/or drawings must be identified by sequence identifier in accordance with 37 C.F.R. 1.821(d). Sequence identifiers for sequences appearing in the drawings may appear in the Brief Description of the Drawings. *Applicant must provide appropriate amendments to the specification or drawings inserting the required sequence identifiers.* If the amendments are extensive then a substitute specification may be required. See page 26, lines 5 and 6 of the instant specification.

**CRF Problem Report**

The Scientific and Technical Information Center (STIC) experienced a problem when processing the following computer readable form (CRF):

Application Serial Number: 08/776,190  
Filing Date: 1/24/1997  
Date Processed by STIC: 8/2/02

STIC Contact: Mark Spencer, 703-308-4212

**Nature of Problem:**

The CRF (was):

- (circle one) Damaged or Unreadable (for Unreadable, see attached)  
 Blank (no files on CRF) (see attached)  
 Empty file (filename present, but no bytes in file) (see attached)  
 Virus-infected. Virus name: \_\_\_\_\_ The STIC will not process the CRF.  
 Not saved in ASCII text  
 Sequence Listing was embedded in the file. According to Sequence Rules,  
submitted file should only be the Sequence Listing.  
 Did not contain a Sequence Listing. (see attached sample)  
 Other:

**PLEASE USE THE CHECKER VERSION 3.1 PROGRAM TO REDUCE ERRORS.**  
**SEE BELOW FOR ADDRESS:**

<http://www.uspto.gov/web/offices/pac/checker>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

1. EFS-Bio (<http://www.uspto.gov/ebc/efs/downloads/documents.htm>) , EFS Submission User Manual - ePAVE)
2. U.S. Postal Service: U.S. Patent and Trademark Office, Box Sequence, P.O. Box 2327, Arlington, VA 22202
3. Hand Carry directly to:  
U.S. Patent and Trademark Office, Technology Center 1600, Reception Area, 7<sup>th</sup> Floor, Examiner Name,  
Sequence Information, Crystal Mall One, 1911 South Clark Street, Arlington, VA 22202  
Or  
U.S. Patent and Trademark Office, Box Sequence, Customer Window, Lobby, Room 1B03, Crystal Plaza Two,  
2011 South Clark Place, Arlington, VA 22202
4. Federal Express, United Parcel Service , or other delivery service to: U.S. Patent and Trademark Office,  
Box Sequence, Room 1B03-Mailroom, Crystal Plaza Two, 2011 South Clark Place, Arlington, VA 22202

Revised 01/29/2002

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JAN 24 2003



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Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

A reply to a notice to comply with the sequence rules should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office.

Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio  
(<http://www.uspto.gov/ebc/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to:  
**U.S. Patent and Trademark Office**  
**Box Sequence, P.O. Box 2327**  
**Arlington, VA 22202**
3. Mailed by Federal Express, United Parcel Service or other delivery service to:  
**U. S. Patent and Trademark Office**  
**2011 South Clark Place**  
**Customer Window, Box Sequence**  
**Crystal Plaza Two, Lobby, Room 1B03**  
**Arlington, Virginia 22202**
4. Hand Carried directly to the Customer Window at:  
**2011 South Clark Place**  
**Crystal Plaza Two, Lobby, Room 1B03, Box Sequence,**  
**Arlington, Virginia 22202**